

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TRACY TOCKSTEIN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:07CV00020 ERW
)	
STEVEN SPOENEMAN, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter comes before the Court upon Defendants' Second Motion to Continue and for Sanctions [doc. #91]. A hearing was held on April 17, 2009, and the Court heard arguments from the parties on this Motion.

On March 13, 2009, the Court issued a Memorandum and Order that reopened discovery. This discovery was limited to recently disclosed documents and recently added defenses. The Court stated that Defendants may depose Plaintiff for two hours and Theresa Tockstein for one hour.

When Defendants attempted to depose Plaintiff on the recently disclosed documents Plaintiff's counsel objected. Plaintiff refused to answer Defendants' questions, and Plaintiff also failed to bring documents relating to the new defenses to the deposition. Defendants state that they need these documents, that they need to conduct this deposition to prepare for trial, and also state that they need additional discovery into Plaintiff's financial status in 2002. Defendants ask that the Court either dismiss Plaintiff's claims and impose a monetary sanction, or impose a monetary sanction and continue the case so that further discovery may be completed.

The Court agrees that a monetary sanction is appropriate for Plaintiff's actions. Defendants stated that they spent 4.5 hours, at \$250 an hour, preparing the pending Motion, and

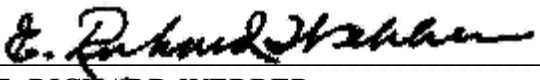
the Court orders Plaintiff to pay \$1,125 in attorney's fees. Additionally, the Court feels that a \$1,500 sanction is appropriate, however, the Court will withhold enforcement of this sanction until the Court is able to assess how discovery in this matter proceeds.

Defendants are entitled to broad discovery, and Plaintiffs are ordered to release the financial information Defendants seek, produce the documents Defendants requested related to these new defense, and produce Plaintiff and Theresa Tockstein for their previously-ordered depositions. These depositions shall be conducted at Plaintiff's expense. However, the Court does not feel that continuing the trial setting is appropriate, and this matter remains set on a three week docket beginning May 4, 2009.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Second Motion to Continue and for Sanctions [doc. #91] is **GRANTED, in part.**

So Ordered this 17th Day of April, 2009.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE